

REMARKS

The present communication is filed in response to the Official Action mailed June 14, 2007, rejecting all the claims presently pending in the application.

Claims 1-7 were previously canceled. Claims 8-13, of which claims 8 and 11 are independent, remain pending in the present application.

Claims 8-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,286,140 to Ivanyi ("Ivanyi") in view of U.S. Patent No. 6,438,752 to McClard ("McClard") in view of U.S. Patent No. 6,530,082 to Del Sesto et al. ("Del Sesto") and in further view of U.S. Patent No. 6,704,929 to Ozer et al. ("Ozer").

Independent claim 8 recites:

"obtaining a reception log and a receiver ID of at least one broadcast receiver and recording the reception log and the receiver ID in a database;

recording program information concerning a broadcast program in the database;

reading the reception log, the receiver ID, and the program information from the database and computing viewing and listening information concerning viewing and listening,

wherein the viewing and listening information includes viewer preferences for each segment of a program..." (Emphasis supplied).

Supporting disclosure for including viewer preferences in the viewing and listening information can be found in the specification, for example, on page 25.

The Examiner contends that Ozer discloses wherein viewing and listening information includes viewer preferences for each segment of a program. However, Ozer, as well as the

other cited references, is void of any such disclosure.

Ozer describes a system for tracking viewing behavior with respect to a home entertainment system. A management device detects and receives an event, such as a manipulation of a television program. See Ozer, Col. 8, ll. 23-65. The management system then marks the time and date the event was performed, and a processor determines the viewing start time, end time, and length between events. See *id.*, at Col. 8, ll. 59-67. According to an embodiment of Ozer, the processor may further determine and store details such as the length of time the home entertainment system is in use, the time a program was viewed, the percentage of a program viewed or not viewed, and an amount of "channel surfing." See *id.*, at Col. 9, ll. 1-8. None of these, however, equate to computing viewing and listening information, "wherein the viewing and listening information includes viewer preferences for each segment of a program" as recited in claim 8.

The details which are determined and stored in Ozer are not "viewer preferences." In contrast, they are mere details relating to the time a program is viewed. The details have no relation to the content of the viewed program or any other choice made by a viewer, and so they are insufficient to determine the preferences of a viewer. Indeed, Ozer makes no mention at all of viewer preferences, and thus fails to disclose viewing and listening information that includes viewer preferences.

Furthermore, the details that are computed by the processor in Ozer are not computed "for each segment of a program." Rather, the details in Ozer are computed for the time the program is viewed. Distinctly, the claims of the present application indicate that viewer preferences are provided for "each segment of a program." For illustrative disclosure the Examiner is referred to the specification at pages 21-25. As

can be seen by pages 21-25, programs may be separated into unit portions, and viewer preferences may be calculated of reach of these unit portions. By contrast, Ozer does not disclose calculating any type of detail for each segment of a program. In fact, Ozer fails to disclose any kind of separation or subdivision of portions of a program at all.

Accordingly, Ozer fails to disclose "wherein the viewing and listening information includes viewer preferences for each segment of a program" as recited in claim 8. Moreover, none of the cited references cures this defect of Ozer. Therefore, Applicants respectfully submit that claim 8 is patentable over Ivanyi, McClard, Del Sesto, and Ozer, taken either alone or in any combination. Applicants thus request that the rejection of claim 8 be withdrawn.

Claims 9 and 10 depend from and therefore include the limitations of claim 8. Accordingly, for at least the reasons discussed above in connection with claim 8, Applicants respectfully submit that claims 9 and 10 are patentable over the cited references, and request that the rejections of these claims be withdrawn.

Independent claim 11 was rejected on the same grounds as claim 8. Further, claim 11 includes similar limitations to those of claim 8. Accordingly, for at least the reasons discussed above in connection with claim 8, Applicants respectfully submit that claim 11 is patentable over the cited references. Further, Applicants request that the rejection of claim 11 be withdrawn.


Claims 12 and 13 depend from and include all the limitations of claim 11. Accordingly, for at least the reasons discussed above in connection with claim 11, Applicants respectfully submit that claims 12 and 13 are patentable over the cited references, and request that the rejections of these claims be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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